

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NETWORK SYSTEM
TECHNOLOGIES, LLC,
Plaintiff

v.

QUALCOMM INCORPORATED,
ET AL.,
Defendants

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No. 1:22-CV-01331-DAE

ORDER

Before the Court are Defendants Qualcomm Incorporated, et al.'s Motion for Protective Order, Dkt. 274, and the parties' Joint Briefing Regarding Email Custodian Dispute, Dkt. 275. The District Judge referred the disputes to the undersigned for resolution. The Court set the matters for hearing, Dkt. 280, and after considering the parties' filings, the applicable law, the record as a whole, and the arguments at that hearing, the Court announced its rulings, and the reasons for those rulings, on the record. This written order memorializes those oral rulings.

As for Qualcomm's motion for protection, Dkt. 274, the Court **DENIES** the motion **WITHOUT PREJUDICE**. The Court **ORDERS** Plaintiff Network System Technologies, LLC (NST) to identify 50 RFPs from its Third Set of Requests for Production to Qualcomm, Dkt. 274-3, and share that list of 50 RFPs with Qualcomm. The Court **FURTHER ORDERS** Qualcomm to serve its objections, if any, to these 50 RFPs within two weeks of receiving them and **FURTHER ORDERS** the parties to meet and confer regarding Qualcomm's objections within two weeks of Qualcomm's

serving its objections. To the extent objections remain for the Court to resolve, the Court grants Qualcomm leave to reurge its motion for protection, teeing up its arguments on the merits of its objections and including as an exhibit a table summarizing the contested RFPs and its objections. NST may then respond, in accordance with the applicable local rules, and add its responses to Qualcomm's objections to the table. The Court envisions a table formatted as follows:

RFP	Qualcomm's Objection(s)	NST's Response(s)	Court's Ruling on Objection
97: Docs, etc. re each step of the manufacturing, supply, and distribution chain for the Accused Products.			

As for the parties' joint dispute regarding Qualcomm's designation of NST's trial counsel, Daniel Stringfield, as an email custodian, Dkt. 275, the Court **OVERRULES** NST's objection to the designation. Once NST has run the agreed-upon search terms and identified responsive documents, it can serve any responsive, non-privileged documents on Qualcomm, along with a privilege log for any documents withheld pursuant to the attorney-client privilege, work-product doctrine, or any other applicable privilege, as contemplated by the Federal Rules.

SIGNED January 23, 2025.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE